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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12
13 IN RE HIGH-TECH EMPLOYEE
14 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS

**DECLARATION OF CHRISTINA BROWN
IN SUPPORT OF DEFENDANTS' JOINT
ADMINISTRATIVE MOTION TO SEAL**

1 I, Christina Brown, declare as follows:

2 1. I am a member of the Bar of the State of California and a counsel of the law firm
3 of O'Melveny & Myers LLP, attorneys for Defendant Apple Inc. I submit this declaration in
4 support of Defendants' Joint Administrative Motion to Seal relating to Defendants' Joint
5 Administrative Motion for Leave to Supplement the Record in Support of Defendants'
6 Opposition to Plaintiffs' Motion for Class Certification. I make this declaration based on my own
7 personal knowledge and information provided to me, as noted below. If called to testify as a
8 witness, I could and would do so competently.

9 2. Apple requests that the Court maintain under seal: (1) a portion of Defendants'
10 Joint Administrative Motion for Leave to Supplement the Record in Support of Defendants'
11 Opposition to Plaintiffs' Motion for Class Certification (Dkt. 263); and (2) portions of the
12 Supplemental Declaration of Professor Kevin M. Murphy in Support of Administrative Motion
13 for Leave to Supplement the Record and the Exhibit A attached thereto (Dkt. 263-3). I have
14 reviewed these documents, and I believe that there is good cause to maintain under seal the
15 portions set forth below. As described below, they contain, rely upon, and reflect information
16 designated by Apple as CONFIDENTIAL and CONFIDENTIAL – ATTORNEYS' EYES ONLY
17 under the Stipulated Protective Order entered by the Court on January 24, 2012 (Dkt. 107).

18 3. The following portion of Defendants' Joint Administrative Motion for Leave to
19 Supplement the Record in Support of Defendants' Opposition to Plaintiffs' Motion for Class
20 Certification reflects Apple's highly confidential and competitively sensitive employee
21 compensation data: page 2, lines 7-8.

22 4. The following portions of the Supplemental Declaration of Professor Kevin M.
23 Murphy in Support of Administrative Motion for Leave to Supplement the Record contain and
24 reflect Apple's highly confidential and competitively sensitive employee data, including
25 employee salaries, total compensation, and job titles: paragraph 2, lines 13-15; and Exhibit A,
26 pages 4-6.

27 5. As set forth in the Declaration of Mark Bentley Pursuant to Civil Local Rule 79-
28 5(d) in Support of Administrative Motion to File Under Seal at ¶ 4 (Dkt. 204) and the Declaration

1 of Steven Burmeister in Support of Defendants' Opposition to Plaintiffs' Motion for Class
2 Certification at ¶ 11 (Dkt. 215-4), such information is extremely sensitive, and Apple considers it
3 to be, and treats it as, confidential, proprietary, and competitively sensitive. Apple would suffer
4 serious competitive harm if this information were disclosed because its competitors would gain
5 detailed data and insight into its confidential and proprietary employee compensation practices
6 and strategies. Public disclosure of this information would deprive Apple of its investment in
7 developing these strategies and put Apple at a significant disadvantage with respect to recruiting,
8 hiring, and compensating its employees. Apple would therefore be prejudiced if this information
9 were made available to the general public.

10 6. Because these portions of the documents cannot be publicly disclosed without
11 causing serious harm, as described above, Apple requests that they be maintained under seal and
12 redacted from the publicly-filed versions of the documents.

13 I declare under penalty of perjury under the laws of the United States that the above is true
14 and correct.

15 Executed on January 9, 2013, in San Francisco, California.

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17 By: /s/ Christina Brown
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